

REMARKS/ARGUMENTS

In the specification, paragraph [0031] has been amended to correct a typographical error.

Claims 1 - 4, 6, 7, 9 - 11, 15, and 20 - 24, and 26 - 66 are pending in the application. Claims 1 - 7, 9 - 15, and 20 - 25 have been rejected. Claims 1 - 4, 6, 7, 9 - 11, and 20 - 24 are amended. Claims 5, 12 - 14 and 25 are canceled. Claims 8 and 16 - 19 were previously cancelled. Claims 26 - 66 are new.

No new matter is introduced by this amendment. The table below summarizes the status of the claims as well as indicates where support for each claim amendment or new claim can be found in the originally filed specification. The phrase "not applicable" is used for original or canceled claims, or currently amended dependent claims in which the only amendment is a change in the number of the claim upon which the claim is dependent.

Claim	Status	Support in specification (if amended or new)
1	Currently Amended	Page 5, lines 14, 22 - 25; page 6, lines 1 - 4; Figure 4
2	Currently Amended	Page 5, line 13 - 15; page 6, lines 3 - 4
3	Currently Amended	Page 3, lines 28; page 4, line 1
4	Currently Amended	Page 4, lines 1 - 2
5	Cancelled	Not applicable
6	Currently Amended	Not applicable
7	Currently Amended	Page 3, lines 25 - 27
8	Cancelled	Not applicable
9	Currently Amended	Page 5, line 14, 22 - 25; page 6, lines 1 - 4; Figure 4; page 8, lines 10 - 15
10	Currently Amended	Not applicable
11	Currently Amended	Page 5, line 14, 22 - 25; page 6, lines 1 - 4; Figure 4; page 8, lines 10 - 15
12	Cancelled	Not applicable
13	Cancelled	Not applicable
14	Cancelled	Not applicable
15	Original	Not applicable
16	Cancelled	Not applicable

Claim	Status	Support in specification (if amended or new)
17	Cancelled	Not applicable
18	Cancelled	Not applicable
19	Cancelled	Not applicable
20	Currently Amended	Not applicable
21	Currently Amended	Not applicable
22	Currently Amended	Not applicable
23	Currently Amended	Page 2, lines 22 - 24
24	Currently Amended	Not applicable
25	Cancelled	Not applicable
26	New	Page 4, line 4 - 5; page 7, lines 8 - 10
27	New	Page 4, lines 22 - 24
28	New	Page 5, lines 3 - 6
29	New	Page 5, lines 3 - 6
30	New	Page 5, lines 3 - 6
31	New	Page 3, lines 27 - 28
32	New	Page 4, lines 29 - 31; page 5, lines 26 - 28
33	New	Page 7, lines 29 - 31
34	New	Page 5, lines 26 - 28
35	New	Page 6, table between lines 23 and 25
36	New	Page 5, lines 30 - 32
37	New	Page 6, lines 1 - 3
38	New	Page 6, lines 1 - 3
39	New	Page 7, lines 3 - 5, lines 24 - 26
40	New	Page 4, lines 22 - 24; page 8, lines 10 - 15
41	New	Page 5, line 13 - 15; page 6, lines 3 - 4; page 8, lines 10 - 15
42	New	Page 4, line 4 - 5; page 7, lines 8 - 10; page 8, lines 10 - 15
43	New	Page 7, lines 9 - 10; page 8, lines 10 - 15
44	New	Page 7, lines 10 - 12; page 8, lines 10 - 15
45	New	Page 7, lines 12 - 14; page 5, lines 6 - 8; page 8, lines 10 - 15
46	New	Page 5, lines 3 - 6; page 8, lines 10 - 15
47	New	Page 4, lines 29 - 31; page 5, lines 26 - 28; page 8, lines 10 - 15
48	New	Page 7, lines 29 - 31, page 8, lines 10 - 15
49	New	Page 5, lines 26 - 28, page 8, lines 10 - 15
50	New	Page 3, lines 25 - 27; Page 5, lines 29 - 30; page 7, lines 26 - 29; page 8, lines 10 - 15
51	New	Page 3, lines 25 - 27; page 7, lines 29 - 31; page 8, lines 10 - 15
52	New	Page 5, lines 30 - 32; page 8, lines 10 - 15
53	New	Page 6, lines 1 - 3; page 8, lines 10 - 15
54	New	Page 6, lines 1 - 3; page 8, lines 10 - 15
55	New	Page 7, lines 3 - 5, lines 24 - 26; page 8, lines 10 - 15
56	New	Page 4, line 4 - 5; page 7, lines 8 - 10; page 8, lines 10 - 15

Claim	Status	Support in specification (if amended or new)
57	New	Page 5, line 13 - 15; page 6, lines 3 - 4; page 8, lines 10 - 15
58	New	Page 3, lines 20 - 23, page 5, lines 22 - 29, page 6, lines 4 - 5
59	New	Page 7, lines 3 - 5, page 7 lines 24 - 26
60	New	Page 3, lines 20 - 23; page 5, lines 22 - 29; page 6, lines 4 - 5; page 8, lines 10 - 15
61	New	Page 7, lines 3 - 5; page 7, lines 24 - 26; page 8, lines 10 - 15
62	New	Page 3, lines 20 - 23; page 5, lines 22 - 29; page 6, lines 4 - 5; page 8, lines 10 - 15
63	New	Page 3, lines 20 - 23; page 5, lines 22 - 29; page 6, lines 4 - 5; page 8, lines 10 - 15; page 7, lines 8 - 14
64	New	Page 3, line 22
65	New	Page 3, line 20
66	New	Page 3, line 20

With respect to claim 30, it is supported by the mention of Bluetooth™ on page 5, lines 5-6 in the originally filed specification. Bluetooth™ encompasses communication in the frequency range 2.4 to 2.485 GHz which is illustrated by a copy of a website attached as Exhibit A. As Bluetooth™ is well known to those in the art, the frequency range is supported by the mention of Bluetooth™ in the specification.

Reconsideration and reexamination are respectfully requested in view of the foregoing claim amendments and the remarks presented below.

Rejection under 35 U.S.C. § 103(a)

Claims 1 - 7, 9 - 15, 20, 22, 24 - 25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Warren, United States Patent Application publication 20030153355 ("Warren") in view of North, United States Patent Application publication US 20030092468 ("North").

First, applicant respectfully asserts that the Examiner has not established a *prima facie* case of obviousness. As noted in the recent Supreme Court case *KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, 82 USPQ 1385 (2007), the factual inquiries enunciated in *Graham v. John Deere Co.*, 383 US 1, 148 USPQ 459 (1966) form the basis for a determination of obviousness. These factors are:

- (1) Determining the scope and the content of the prior art;
- (2) Ascertaining the differences between the claimed invention and the prior art;
- (3) Resolving the level of ordinary skill in the pertinent art;
- (4) Secondary considerations.

Once the evaluation of the above factors has been made, then the determination of the obviousness or non-obviousness of the invention can be made.

Although the Examiner has provided some discussions of the both the scope and content of the prior art, and the differences between the cited prior art and applicant's claimed invention, the Examiner has made no findings with respect to the level of ordinary skill in the art. Therefore, applicant asserts that the Examiner has not established a *prima facie* case for obviousness under 35 U.S.C. 103(a).

Second, the Examiner states that the motivation for the combination of references is the following:

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Warren including when the PDA and the cell phone are coupled, either the cell phone rechargeable battery or the PDA rechargeable battery can power the combined cellular phone and PDA in order to provide a representation by a combination of cell phone and PDA device, into a primary housing for containment of a power source and primary control circuitry.

Applicant assumes that the Examiner is utilizing the exemplary rationale of a teaching, a suggestion, or motivation as recited in the MPEP in section 2142(G) as the

basis for the Examiner's conclusion of obviousness. With respect to the rationale used to support the conclusion of obviousness, applicant asserts that the Examiner has not provided a proper motivation for the combination of the references as the Examiner has not provided any motivation to make the combination. The Examiner states that the motivation for the modification of Warren in view of North is "in order to provide a representation by a combination of cell phone and PDA device, into a primary housing for containment of a power source and primary control circuitry." However, the statement "[a] combination cell phone and PDA device, comprising a primary housing for containment of a power source and primary control circuitry" is taken directly from the abstract of North, and describes the invention of North. Thus, the Examiner has essentially stated that the motivation to modify Warren in view of North to obtain applicant's invention is the invention of North. Applicant asserts that quoting a description of one of the two references that are used in the combination does not provide a motivation for combining the references.

Furthermore, if the object of the combination is to obtain a "combination cell phone and PDA device, comprising a primary housing for containment of a power source and primary control circuitry" the result of the combination is the invention of North, and not an embodiment of applicant's invention.

Moreover, applicant would like to respectfully assert that the Examiner's statement, as written, makes no logical sense. As noted in the MPEP, section 2142, to establish a *prima facie* case of obviousness, the following is required:

The key to supporting any rejection under 35 U.S.C. 103 is the clear articulation of the reason(s) why the claimed invention would have been obvious. The Supreme Court in *KSR International Co. v. Teleflex Inc.*, 550 U.S. ___, ___, 82USPQ 1385, 1396 (2007) noted that the analysis supporting a rejection under 35 U.S.C. 103 should be made explicit. The Federal Circuit has stated that "rejections on obviousness cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with

some rational underpinning to support the legal conclusion of obviousness.” *In re Kahn*, 441 F.3d 977, 988, 78 USPQ2d 1329, 1336 (Fed. Cir. 2006). See also KSR, 550 U.S. at ____, 82 USPQ2d at 1396 (quoting Federal Circuit statement with approval).

Applicants respectfully assert that as the Examiner’s statement is both unclear as to what rationale is being used in the rejection under 35 U.S.C. 103, and the proffered motivation makes no logical sense, the Examiner has failed to establish a *prima facie case* of obviousness. In addition, as noted above, the Examiner made no findings with respect to the level of ordinary skill in the art, one of the factors required in the *Graham* analysis.

Moreover, claims 1, 9, and 11 have been amended to more clearly define the embodiments of the invention. Applicant asserts that claims 1, 9, and 11, are patentably allowable over the combination of Warren in view of North. Claims 1, 9, and 11 as written in the list of claims in this paper are reproduced below:

1. A system comprising:

a personal digital assistant (PDA); and

a cellular phone adapted to be coupled to the PDA so that upon coupling the cellular phone to the PDA the combined cellular phone and PDA forms a single body;

wherein

when the PDA and the cell phone are coupled, the cell phone and the PDA are capable of being used independently; and

when the PDA and the cell phone are decoupled, the PDA operates as a conventional PDA, and the cell phone operates as a conventional cell phone.

9. A system comprising:

a processing device; and

a cellular phone adapted to be coupled to the processing device so that upon coupling the cellular phone to the processing device the combined cellular phone and processing device forms a single body;

wherein

when the processing device and the cell phone are coupled, the processing device and the cell phone are capable of being used independently;

and

when the processing device and the cell phone are decoupled, the processing device operates as a conventional processing device, and the cell phone operates as a conventional cell phone.

11. A system comprising:

a laptop computer; and

a cellular phone adapted to be coupled to the laptop computer so that upon coupling the cellular phone to the laptop computer the combined cellular phone and laptop computer forms a single body;

wherein

when the laptop computer and the cell phone are coupled, the cell phone and the laptop computer are capable of being used independently;

and

when the laptop and the cell phone are decoupled, the laptop computer operates as a conventional laptop computer, and the cell phone operates as a conventional cell phone.

As written above, claims 1, 9, and 11 are patentable over both Warren and North. Claims 1, 9, and 11 contain the feature of independent use of the cell phone and PDA, processing device, or laptop computer, respectively, when they are coupled. Warren does not expressly disclose the independent use of the cell phone and the input-output device while they are coupled together. Warren does not disclose the independent use of any functions or applications of the input-output device when the cell phone is engaged.

Furthermore, there is no inherent disclosure in Warren of independent use of the cell phone and input-output device functions when they are coupled. When the cell phone is coupled to the input/output device the cell phone “provides connectivity to the device by functioning as a modem and/or wireless communications device . . . ” (Warren paragraph 60).

As stated in Warren, paragraph [0009]:

The present invention fulfills these and other needs by providing an input/output device having a phone port for connecting to a cell or other portable phone. The device has input components (such as a keyboard) and output components (such as a screen), which are much easier to use than the mini-keypad and mini-screen on typical web phones. A person uses the keyboard to input information or commands. Then signals representing the information or commands are sent to the portable phone via the phone port, and the phone transmits wireless signals to the intended computer, phone, etc. Similarly, the phone receives wireless signals and sends the signals to the device via the phone port. Then the text and/or images represented by the signals are displayed on the screen.

Thus, as outlined above, “[t]he phone wirelessly transmits data entered into the input components and wirelessly receives data to be displayed or audibly output by the output components” (Warren, paragraph 0010). Thus, in Warren “the portable phone serves the dual functions of conventional phone when not engaged with the phone interface and a modem and/or a wireless communications device when so engaged.” (Warren, paragraph 0061) Therefore, when the phone is coupled to the input-output device in Warren, it is not used independently as a cell phone.

As written above, claims 1, 9, and 11 are also patentable over North. Claims 1, 9, and 11 also contain the feature of capability of independent use of the cell phone, and the PDA, processing device, or laptop computer, respectively, when the devices are coupled, but each of the combination acts as a conventional device when not coupled. Although the device contained in the secondary housing of North is capable of being used to perform both cell phone and PDA functions, it needs to communicate with the primary housing via a wireless or wired connection to perform these functions, whether coupled to the primary housing or separated from the primary housing. Moreover, the primary housing does not perform cell phone and/or PDA or other functions independently. The primary housing is analogous to a docking station for a computer, and contains the primary control circuitry and batteries. The secondary housing is analogous to a terminal for a mainframe computer “[b]ecause the console unit 14 primar[i]y includes only data entry and user interface components” (North, paragraph [0017]). Thus, the invention of North is not a combination of two devices which can function independently, but is an entirely different invention.

In addition, according to MPEP, 8th edition, revision 6, although the differences between the claimed invention and the prior art alone do not make the claimed invention non-obvious, the claimed invention is obvious only if the differences are not “so great.” Applicant asserts that the claimed invention is non-obvious.

In evaluating obviousness, the first step is to address the *Graham* factual inquiries which have been outlined above. The level of ordinary skill in the art would be a person who is experienced with technology. An engineer or scientist, such as most electrical engineers or computer scientists, or those physicists, chemists, or materials scientists whose studies included work with computers or computer architecture, would qualify as a person of ordinary skill in the art. However, a person without a college degree, or one whose college degree did not involve computers or science, may still be a person of ordinary skill in the art

if the person has knowledge of technology, and particularly keeps up with the latest technological tools and gadgets.

As outlined above, the features of Warren and North were discussed and therefore, the scope and content of the prior art is addressed above.

The remaining *Graham* factor is ascertaining the differences between the prior art and the claimed invention. In this case, the difference between the claimed invention and Warren is the ability of the two devices to be used independently while coupled. Thus, to obtain applicant's claimed invention, the invention of Warren would have to be modified to allow speaking on the telephone while connected to the input-output device. As outlined above, when the phone is engaged in the port of the input-output device, the phone is as "a modem and/or a wireless communications device" (Warren, paragraph 0061). Thus, this modification is non-obvious.

With respect to the invention of North, the difference from applicant's claimed invention is the ability to use the two devices independently when de-coupled. The primary housing of North does not operate independently of the secondary housing/console unit. The PDA and cell phone functionalities can be accessed from the secondary housing/console unit. The secondary housing of North contains the display screen and input functions and can be removed from the primary housing so that a smaller device can be held in one's hands. As outlined above, the analogy would be a terminal/mainframe relationship where the secondary housing is the "terminal" and the primary housing is the "mainframe." To separate the two functionalities between the primary and secondary housings in North would fundamentally alter the invention. When viewed as a whole, North does not disclose a combination of devices, but is an entirely different invention. Thus, the modification of North to obtain applicant's claimed invention is non-obvious.

Therefore, for all of the reasons outlined above, the Examiner has not made a *prima facie* case of obviousness, and the independent claims 1, 9, and 11 are patentably allowable over the combination of Warren in view of North. Claims 2 - 4, 6, 7, and 20 - 23 depend from claim 1, either directly or indirectly, and are patentable for at least the same reasons that claim 1 is patentable. Claim 10 depends from claim 9 and is patentable for at least the same reasons that claim 9 is patentable. Claims 15 and 24 depend from claim 11, either directly or indirectly, and are patentable for at least the same reasons that claim 11 is patentable.

Applicant respectfully requests that the Examiner allow claims 1 - 4, 6, 7, 9 - 11, 15, 20, 22, and 24. Rejection of claims 5, 12 - 14, and 25 is moot in light of their cancellation.

With respect to claim 21, the Examiner has rejected claim 21 under 35 U.S.C. § 103(a) as being unpatentable over Warren in view of North, and further in view of Chmaytelli, United States Patent 6,233,464 ("Chmaytelli").

Applicant respectfully asserts that claim 21 is patentably allowable over the combination of Warren and North for the reasons stated above as claim 21 depends indirectly on claim 1, and claim 1 is patentably allowable over the combination.

In addition, applicant respectfully asserts that the Examiner has not established a *prima facie* case of obviousness. The Examiner states, as the motivation for the combination of references:

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the above combination including a switch that allows for the user to switch the default power source to the cell phone battery in order to provide an invention [that] relates to powering on and off a Personal Digital Assistant (PDA), such as a Palm Pilot, and in co-ordination with a combined wireless telephone.

As with the combination of Warren and North, the applicant asserts that the Examiner has not provided a proper motivation for the combination of the references as the Examiner has not provided any motivation to make the combination. The Examiner's proffered motivation is to "provide an invention [that] relates to powering on and off a Personal Digital Assistant (PDA), such as a Palm Pilot, and in co-ordination with a combined wireless telephone." Applicant asks the Examiner how the desire for providing an invention that "relates to powering on and off a Personal Digital Assistant (PDA), such as a Palm Pilot, and in co-ordination with a combined wireless telephone" leads to the inclusion of a switch allowing the user to change the default power source for a combination of a PDA coupled to a cell phone from the PDA to the cell phone?

Moreover, applicant respectfully asserts that the Examiner's motivation does not make logical sense. The "motivation" cited by the Examiner for the combination is actually a description of the invention of Chmaytelli taken from the first paragraph of the patent. Therefore, similar to the situation with respect to the combination of Warren and North, it appears that the Examiner is stating that the motivation to modify the combination of Warren in view of North and further in view of Chmaytelli to yield applicant's claimed invention is the invention of Chmaytelli. As this does not make logical sense, applicant asserts that the Examiner has not established a *prima facie* case of obviousness. Applicant respectfully requests that the Examiner clearly "articula[te the] reasoning" and explain the "rational underpinning" for the conclusion of obviousness.

Furthermore, as outlined above, the Examiner has made no findings with respect to the level of ordinary skill in the art.

Therefore, for all of the reasons outlined above, the Examiner has not made a *prima facie* case of obviousness, and the dependent claim 21 is patentably allowable over the

combination of Warren in view of North, and further in view of Chmaytelli. Applicant respectfully requests that the Examiner allow claim 21.

With respect to claim 23, the Examiner has rejected claim 23 under 35 U.S.C. § 103(a) as being unpatentable over Warren in view of North, and further in view of Dowling et al., United States Patent Application publication, 20030050019 ("Dowling").

Applicant respectfully asserts that claim 23 is patentably allowable over the combination of Warren and North for the reasons stated above as claim 23 depends indirectly on claim 1, and claim 1 is patentably allowable over the combination.

Furthermore, as outlined above, the Examiner has made no findings with respect to the level of ordinary skill in the art, one of the *Graham* factors.

Therefore, the Examiner has not made a *prima facie case* of obviousness, and dependent claim 23 is patentably allowable patentable over the combination of Warren in view of North, and further in view of Dowling. Applicant respectfully requests that the Examiner allow claim 23.

Patentability of New Claims

New claims 26 - 39 depend from, either directly or indirectly, claim 1, and are therefore patentably allowable over the cited references for the same reasons that claim 1 is allowable.

New claims 40 - 55 depend from, either directly or indirectly, claim 9, and are therefore patentably allowable over the cited references for the same reasons that claim 9 is allowable.

New claims 56 and 57 depend from, either directly or indirectly, claim 11, and are therefore patentably allowable over the cited references for the same reasons that claim 11 is allowable.

New independent claims 58 and 60 are patentably allowable over the cited references. Claims 58 and 60 read as follows:

58. A system comprising:

a personal digital assistant (PDA); and
a cellular phone adapted to be coupled to the PDA so that upon coupling the cellular phone to the PDA the combined cellular phone and PDA forms a single body;

wherein

when the PDA and the cell phone are coupled, the cell phone and the PDA share resources;

when the PDA and the cell phone are coupled, the combination of the PDA and cell phone is capable of simultaneous use of the cell phone and use of some of the independent PDA functionalities; and

when the PDA and the cell phone are decoupled, the PDA operates as a conventional PDA, and the cell phone operates as a conventional cell phone.

60. A system comprising:

a processing device; and
a cellular phone adapted to be coupled to the processing device so that upon coupling the cellular phone to the processing device the combined cellular phone and processing device forms a single body;

wherein

when the processing device and the cell phone are coupled, the processing device and the cell phone share resources;

when the processing device and the cell phone are coupled, the combination of the cell phone and the processing device is capable of simultaneous use of the cell phone and use of some of the independent processing device functionalities;

and

when the processing device and the cell phone are decoupled, the processing device operates as a conventional processing device, and the cell phone operates as a conventional cell phone.

Both claims 58 and 60 include the features that the cellular phone and PDA or processing device, respectively, share resources and that the cell phone can be used simultaneously with some of the functionalities of the PDA or processing device. In addition, a feature included in both claims 58 and 60, is that the cellular phone, and the PDA or processing device, respectively, can operate as a conventional device when not coupled. As noted above, there is no express or inherent disclosure in Warren that the cellular phone can be used as a cellular phone when coupled to the input/output device, nor is there disclosure in Warren that functionalities of the two devices can be utilized simultaneously. Furthermore, as outlined above, with respect to North, the devices contained in the primary and secondary housings do not operate independently. Thus, claims 58 and 60 are patentable over the combination of Warren and North.

With respect to reference Chmaytelli, it deals with a single device comprising both PDA and cell phone functions, not a combination of separate devices. Although Dowling refers to retractable peripherals, these peripherals do not function independently. Thus, neither Chmaytelli nor Dowling describe the claimed invention.

Thus, claims 58 and 60 are patentably allowable over the cited references, Warren, North, Chmaytelli, and Dowling. In addition, claims dependent upon claims 58 or 60, claims 59 and 61, respectively, are patentably allowable for at least the same reasons that claims that claims 58 and 60 are allowable.

New independent claim 62 reads as follows:

62. A system comprising:

a processing device; and

a wireless communication device adapted to be coupled to the processing device so that upon coupling the wireless communication device to the processing device the combined wireless communication device and processing device forms a single body;

wherein

when the wireless communication device and the processing device are coupled, the wireless communication device and the processing device are capable of being used independently; and

when the wireless communication device and the processing device are decoupled, the processing device operates as a conventional processing device and the wireless communication device operates as a conventional wireless communication device.

Claim 62 is similar to claim 9 except that the system is a combination of a wireless communication device and a processing device rather than a combination of cellular phone and a processing device. As a cellular phone is a type of wireless communication device, the same arguments applicable to the patentability of claim 9 are also applicable to the patentability of claim 62. Thus, as claim 9 is patentable over the combination of Warren in view of North, claim 62 is also patentably allowable over the combination.

New independent claim 63 reads as follows:

63. A system comprising:

a processing device comprising a rechargeable battery; and

a wireless communication device comprising a rechargeable battery adapted to be coupled to the processing device so that upon coupling the wireless communication device to the processing device the combined wireless communication device and processing device forms a single body;

wherein

when the wireless communication device and the processing device are coupled, the wireless communication device and the processing device are capable of being used independently;

when the wireless communication device and the processing device are decoupled, the processing device operates as a conventional processing device and the wireless communication device operates as a conventional wireless communication device;

and

when the wireless communication device and the processing device are coupled,

either the processing device rechargeable battery or the wireless communication device rechargeable battery can power the combined processing device and wireless communication device; and

the processing device comprises a switch that allows the user to select either the rechargeable battery of the processing device or the rechargeable battery of the wireless communication device as the default power source for the combination.

Independent claim 63 is patentably allowable over the combination of Warren in view of North because, as noted above, there is no express or inherent disclosure in Warren that the cellular phone can be used as a cellular phone, rather than as a modem, when coupled to the input/output device. Furthermore, the devices contained in the primary and secondary housings of North do not operate independently. Additionally, the applicant's arguments with respect to the patentability of claims 1, 9, and 11, as presented in this paper above, are also applicable to independent claim 63.

Moreover, applicant asserts that the addition of the switch to allow the combined unit to be powered by the battery in one of the two devices in the combination is not obvious in light of the reference Chmaytelli.

The requirements for a prima facie showing of obviousness have been outlined above. First, the scope and content of the prior art is determined. Chmaytelli relates to a switch allowing the user to choose if both the PDA and the cellular phone functions, or only one of the PDA and the cellular phone functions, are powered on or off. The "switch" in the invention of Chmaytelli is the removal or replacement of the stylus. Furthermore, the invention of Chmaytelli involves one unit containing the PDA and cellular phone.

Second, the differences between applicant's claimed invention and the prior art are determined. Applicant's invention in claim 63 includes a switch allowing the combination of the wireless communication device and the processing device to be powered by the battery of either one of the combination. Thus, to obtain applicant's invention in claim 63 from Chmaytelli, the switch would need to be changed from an on/off power switch to one in which allowed the combination of devices to be powered by the battery of either one of devices of the combination.

Third, resolving the level of ordinary skill in the art. The level of ordinary skill in the art would be the same as recited above with respect to the discussion of the patentability of claims 1, 9, and 11, as presented in this paper.

Application of the switch of Chmaytelli to the combination of the devices would yield an on/off switch that could be set by the user to turn on and turn off one or both devices with the movement of a stylus. Thus, direct application of the feature of Chmaytelli to the combination of devices does not yield applicant's invention.

Moreover, as outlined above, the differences between the claimed invention and the prior art alone do not make the claimed invention non-obvious, but the claimed invention is obvious only if the differences are not "so great." The on/off power switch is of Chmaytelli is significantly different from a switch allowing a choice between batteries as the source of power while a device is powered on. Thus, applicant's invention as in claim 63 is not obvious in light of the combination of Warren in view of North, and further in view of Chmaytelli.

For these reasons, as well as the reasons outlined above regarding the combination of Warren in view of North, applicants assert that the invention of claim 63 is not obvious.

As claim 63 is patentably allowable over the cited references, claims 64, 65, and 66, which depend from claim 63, are also patentably allowable.

Conclusion

In light of the foregoing claim amendments and remarks, this application is considered to be in condition for allowance. Applicant respectfully requests the allowance of pending claims 1 - 4, 6, 7, 9 - 11, 15, and 20 - 24, and 26 - 66. No new matter has been added, and all cancellations have been made merely to expedite prosecution of the application. Accordingly, applicant reserves the right to continue pursuing previously presented arguments in any divisional, continuation, or continuation-in-part applications.

If necessary to ensure a timely response, this paper should be considered as a petition for an Extension of Time sufficient to provide a timely response. The undersigned authorizes the examiner to charge any fees that may be required, or credit of any overpayment to be made, to **Deposit Account No. 07-1850**.

Should the Examiner have any questions regarding this communication, the Examiner is invited to contact the undersigned at the telephone number shown below.

Respectfully submitted,

Date:

04 January 2008
Squire, Sanders & Dempsey L.L.P.
One Maritime Plaza
Suite 300
San Francisco, CA 94111
Facsimile (415) 954-9887
Telephone (415) 954-0397

Gloria Gusler
Gloria Gusler, Ph.D.
Attorney for Applicant
Reg. No. 50,282

Appendix

Exhibit A

Bluetooth SIG Shop | Bluetooth.org

Select Language ▾

search site search >

Experience More
Product Zone
Get Technical
Press & Analysts
About the Bluetooth SIG

Basics



Basics

Bluetooth wireless technology is a short-range communications technology intended to replace the cables connecting portable and/or fixed devices while maintaining high levels of security. The key features of Bluetooth technology are robustness, low power, and low cost. The Bluetooth specification defines a uniform structure for a wide range of devices to connect and communicate with each other.

Bluetooth technology has achieved global acceptance such that any Bluetooth enabled device, almost everywhere in the world, can connect to other Bluetooth enabled devices in proximity. Bluetooth enabled electronic devices connect and communicate wirelessly through short-range, ad hoc networks known as piconets. Each device can simultaneously communicate with up to seven other devices within a single piconet. Each device can also belong to several piconets simultaneously. Piconets are established dynamically and automatically as Bluetooth enabled devices enter and leave radio proximity.

A fundamental Bluetooth wireless technology strength is the ability to simultaneously handle both data and voice transmissions. This enables users to enjoy variety of innovative solutions such as a hands-free headset for voice calls, printing and fax capabilities, and synchronizing PDA, laptop, and mobile phone applications to name a few.

Core Specification Versions

Version 2.1 + Enhanced Data Rate (EDR), adopted July, 2007
Version 2.0 + Enhanced Data Rate (EDR), adopted November, 2004

Specification Make-Up

Unlike many other wireless standards, the Bluetooth wireless specification gives product developers both link layer and application layer definitions, which supports data and voice applications.

Contents

- Core Specification Versions
- Specification Make-Up
 - Spectrum
 - Interference
 - Range
 - Power
 - Data Rate

Spectrum

Bluetooth technology operates in the unlicensed industrial, scientific and medical (ISM) band at 2.4 to 2.485 GHz, using a spread spectrum, frequency hopping, full-duplex signal at a nominal rate of 1600 hops/sec. The 2.4 GHz ISM band is available and unlicensed in most countries.

Interference

Bluetooth technology's adaptive frequency hopping (AFH) capability was designed to reduce interference between wireless technologies sharing the 2.4 GHz spectrum. AFH works within the spectrum to take advantage of the available frequency. This is done by detecting other devices in the spectrum and avoiding the frequencies they are using. This adaptive hopping allows for more efficient transmission within the spectrum, providing users with greater performance even if using other technologies along with Bluetooth technology. The signal hops among 79 frequencies at 1 MHz intervals to give a high degree of interference immunity.

Range

The operating range depends on the device class:

- Class 3 radios – have a range of up to 1 meter or 3 feet
- Class 2 radios – most commonly found in mobile devices – have a range of 10 meters or 30 feet
- Class 1 radios – used primarily in industrial use cases – have a range of 100 meters or 300 feet

Power

The most commonly used radio is Class 2 and uses 2.5 mW of power. Bluetooth technology is designed to have very low power consumption. This is reinforced in the specification by allowing radios to be powered down when inactive.

Data Rate

1 Mbps for Version 1.2; Up to 3 Mbps supported for Version 2.0 + EDR



© 2007 Bluetooth SIG, Inc. All rights reserved.

[sitemap](#) | [legal](#) | [privacy policy](#)